



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FILED

Order Instituting Rulemaking Into Implementation
of Federal Communications Commission Report
and Order 04-87, as It Affects the Universal
Lifeline Telephone Service Program

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Rulemaking 04-12-001
(Filed December 2, 2004)

**REPLY COMMENTS OF THE GREENLINING INSTITUTE ON PROPOSED DECISION OF
ALJ JONES ADOPTING STRATEGIES TO IMPROVE THE CALIFORNIA LIFELINE
CERTIFICATION AND VERIFICATION PROCESSES, AND REINSTATING PORTIONS OF
GENERAL ORDER (GO 153)**

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April 30, 2007

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**I. INTRODUCTION: LIFELINE - SERVING THE NEEDS OF LOW-INCOME
CONSUMERS?**

The Greenlining Institute (“Greenlining”) respectfully submits the following reply comments to the California Public Utilities Commission (“Commission” or “CPUC”) addressing the proposed decision of Administrative Law Judge Jones (“ALJ Jones”) in the proceeding R.04-12-001, for adopting strategies to improve California LifeLine (“LifeLine”) certification and verification processes and reinstating portions of General Order (“GO”) 153.

As Greenlining stated in its opening comments the most important recommendation this Commission should adopt is transformation of the current LifeLine program from one based on obsolete technology (landlines) to modern technology (cell phones). The creation of a low-cost cell phone based LifeLine program is a realistic option for the Commission since many other states have been able to adopt a cell phone based LifeLine and Link Up program with carriers such as, Cingular and Alltel.¹ Given the commitment to low-income communities in California by this Commission, Greenlining urges the Commission to not take a narrow view of possible changes to the LifeLine program.

¹ See Greenlining’s Opening Comments, Footnote 1 which provided information regarding Cingular and Alltel’s current LifeLine and LinkUp programs for cell phones.

If the current LifeLine program continues to be based on landlines, it will only perpetuate the creation of a second class service and further widen the digital divide for low-income Californians. Greenlining believes, as do many community leaders, that a 21st century LifeLine program must be based on cell phones. Greenlining is concerned that if the Commission does not consider and implement such substantive changes as transitioning from landlines to cell phone or altering the enrollment requirements² to the LifeLine program, it will fail to adequately and appropriately serve the needs of low-income Californians.³

The Commission should also not ignore the fact that Greenlining was the only non-carrier to file opening comments in this proceeding and that only Greenlining represents the needs of all 22 million minorities throughout California, many whom are or should be eligible for the LifeLine program. Greenlining is committed to working with the Commission and the carriers to ensure that other short term and long term strategies for the LifeLine program are also implemented. Greenlining recognizes and discusses below additional improvements that the Commission should adopt to improve the LifeLine program for low-income consumers.

II. SHORT AND LONG TERM STRATEGIES FOR LIFELINE THAT TRULY SERVE THE NEEDS OF LOW-INCOME CONSUMERS IN CALIFORNIA

A. BRINGING CALIFORNIA LIFELINE INTO THE 21ST CENTURY: LANDLINES TO CELLPHONES

Greenlining respectfully recommends that the Commission revolutionize the current LifeLine program, with support from the FCC, from one based on landlines to one based on cell phones. By

² See Greenlining's opening comments p. 7: "...Greenlining recommends that the Commission expand the eligibility of the LifeLine program to include additional factors, such as geographic differences in the cost of living and that poverty is relative. The Commission should not rely exclusively on pretax income and cash benefits from the government as the eligibility benchmark for participation in the LifeLine Program."; see also Staff Report p. 32 which indicated that many applicants to the LifeLine program who were ultimately deemed ineligible for LifeLine discounts only marginally exceeded the LifeLine income thresholds. (emphasis added)

³ See ALJ Jones proposed decision which recognizes that as many as 6.7 million or even 10 million Californians may qualify for LifeLine service, but as a result of bureaucratic obstacles, which the Commission has been forced to implement, only 3.5 million are presently receiving LifeLine telephone service

making a programmatic shift to cell phones this Commission and California will remain a leader in serving the communication needs of low-income communities by ensuring that low-income consumers have access to 21st century technology.

As indicated in its opening comments, Greenlining believes that a \$5.5 billion subsidy for a cell phone based LifeLine program could be attainable. For example, assuming that the current rate of expenditure of \$555 million a year in federal and state subsidies for the LifeLine program is maintained, within 10 years approximately \$5.5 billion will be spent to provide communication services to low-income Californians. It will be a waste of such subsidies, if the \$5.5 billion is spent on obsolete technology. Greenlining urges the Commission to examine LifeLine from a 21st century perspective and recognize that the vast majority of low-income consumers, like the middle class and the wealthy, prefer cell phones to landlines. Low-income consumers, including the elderly and disabled, find cell phones significantly more useful than landlines.⁴

Further, with the addition of wireless service through the acquisition of Cingular by AT&T California (“AT&T”), as well as Alltel’s current wireless service in California⁵, Greenlining believes that the creation of a low-cost cell phone service is attainable. Greenlining urges AT&T to take a strong leadership role in the creation of a cell phone based LifeLine program and support the Commission in its efforts to best serve the needs of California’s low-income communities. Such support would be consistent with AT&T’s California and national leadership commitments and visions for the company. In particular, since Cingular’s current cell phone based LifeLine and Link Up services available in other

⁴ It has been established that many low-income families are forced to frequently move for a myriad of reasons.

⁵ See <http://www.alltel.com/personal/wireless/plans/lifeline.html>: Alltel LifeLine Program which offers a discounted monthly telecommunications service under Lifeline and Link-Up programs. Alltel currently offers such plans in Alabama, Arkansas, **California**, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, South Dakota, Pine Ridge Indian Reservation, Texas, Virginia, West Virginia, Wisconsin and Wyoming. (emphasis added)

states and Puerto Rico, AT&T can provide the Commission with a working model for changes to the California LifeLine plan.⁶

Additionally, given the 6.7 million or even 10 million Californians that may qualify for LifeLine service, Greenlining believes the Commission could potentially realize a reduction in the present LifeLine program costs by as much as 50% by simply transitioning from landlines to cell phones.

Greenlining recognizes that it will be with the support of industry and the community that the current California LifeLine program will be changed and Greenlining is willing to work with the Commission, its staff, communities and carriers to create such a program. Greenlining has already conducted research on the cost of a LifeLine based cell phone program and would share such research with anyone truly committed to changing the LifeLine program to better serve the needs of California's low-income consumers.

B. STUDY FOR CELL PHONES IMPERATIVE

Further, Greenlining recommends, and is supported by telecommunications expert Michael Phillips, that the Commission should recommend that the carriers and Greenlining complete a formal study with a sample size of at least one thousand current LifeLine subscribers from the same demographics as to their preferences for a cell phone based LifeLine program.⁷ In 2006, Greenlining conducted a preliminary study of telecommunications practices of low income and primarily minority families residing in California. Of the approximately 250 families contacted, 117 responded

⁶ See (<http://www.cingular.com/about/community-support/lifeline-link-up.jsp>): Cingular LifeLine and Link Up service program available in Louisiana, Mississippi, Washington and Puerto Rico which provides discounted service for eligible customers. Lifeline offers discounts on the monthly wireless bills of qualified applicants. Link Up pays 50 percent of a customer's one-time activation fee. (Cingular waives the other 50 percent for eligible consumers, so activation is free.); See also Id.

⁷ See the May 24, 2006 to the California Public Utilities Commission, footnote 2: "It is extremely difficult, in an era of unlisted cell phone numbers, for any pollster or demographer to secure a sample of this size among low income and primarily minority communities. It is especially difficult given the length and comprehensiveness of the study. A comprehensive study sample of 1000 is doable but will be costly and will require the cooperation of major telecommunication providers and the minority community organizations that serve them. —Michael Phillips, Consultant and Telecommunications Expert, 12 May 2006."

comprehensively to a series of 27 questions. The results include the following demographic data on income and racial/ethnic background of the respondents: 1) nearly 90% of respondents have an annual household income of \$35,000 or less; 2) less than 3% of respondents have an annual household income of \$40,000 or more; 3) one-third of respondents identify as African/African American; 4) nearly one-third of respondents identify as Chicano/Latino/Hispanic; and 5) nearly 20% of respondents identify as Asian/Asian Pacific American. The questionnaire used in our study was conducted through the leadership of El Concilio of San Mateo County, Mabuhay Alliance of San Diego County and OCCUR of Alameda County, three California based minority nonprofits that work closely with low income communities.⁸ In Greenlining's opinion, the nature and scope of this study is unprecedented. We are unaware of any other existing study that comprehensively examines the telecommunications habits, practices and knowledge of low income and minority consumers since 2000. A number of the results⁹ in the study are quite disturbing and could strongly influence future telecommunication policies of the CPUC and marketing and policies of major telecommunication providers, including prospective providers, like Microsoft and Google.¹⁰

⁸ El Concilio is a non-profit coalition of organizations and individuals committed to improving the quality of life for Latinos by increasing leadership, education, and employment opportunities, and access to quality and appropriate health care in San Mateo County. Ortensia Lopez serves as the Executive Director of El Concilio. See <http://www.el-concilio.com>. Mabuhay Alliance strives to enhance the quality of life for San Diego's Filipino and other Asian/Pacific Islander communities by providing alliance members with networking opportunities and access to resources that benefit the community, which are not attainable as a single entity. Faith Bautista serves as the Executive Director for Mabuhay. See <http://www.mabuhayalliance.org>. OCCUR, Oakland Citizens Committee for Urban Renewal, serves the greater Oakland / East Bay region as a community building intermediary and direct service organization dedicated to public policy, non-profit capacity building, information technology, and consumer education. OCCUR has been nationally commended for its positive impact on low-income and emerging communities. David Glover is currently the Executive Director of OCCUR. See <http://www.bapd.org/goatal-1.html>

⁹ See May 24, 2006 to the California Public Utilities Commission for the results of the study which indicated for example that nearly 75% of low income households do not have ULTS and almost all low income households have a cell phone. With respect to cell phone cost and usage, only about a quarter (26%) of respondents report satisfaction with cell phone costs. For those who report dissatisfaction with cell phone costs, two-thirds (67%) mention monthly cost as a primary reason

¹⁰ On May 12, 2006 a New York Times article discussed the potential for Microsoft to acquire Time Warner, which would include acquisition of Time Warner Cable and AOL. See <http://dealbook.blogs.nytimes.com/?p=2996>. On May 13, 2006 a San Francisco Chronicle article mentions Google's partnership with Earthlink to negotiate a contract with San Francisco to provide city-wide Wi-Fi. See <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2006/05/13/BUG0VIR7PJ1.DTL&hw=google+wi+fi&sn=001&sc=771>

Given this preliminary study's results and the need to move LifeLine into the 21st century, Greenlining urges the Commission to request, if not order that an additional study be conducted by AT&T and Verizon in conjunction with Greenlining or AT&T in conjunction with Greenlining as to ensure accurate data for a 1000 sample population of current LifeLine customers.¹¹ Greenlining believes that such study will show that those low-income customers who currently have a landline based LifeLine, prefer and would greatly benefit from a cell phone based program.

C. INCREASING THE LIFELINE PROGRAM ENROLLMENT

i. RE-EVALUATION OF ELIGIBILITY REQUIREMENTS

Critical to any improvements of the LifeLine program should be a commitment to increasing the number of low-income consumers benefiting from the program. With this goal in mind, Greenlining recommends that the Commission re-evaluate the eligibility requirements for the LifeLine program. As Verizon noted in its opening comments¹² and the Staff Report¹³ details, there are many applicants to the LifeLine program that "only marginally exceed" the LifeLine program income thresholds. Given this, these low-income consumers are forced pay higher prices for a basic requisite of modern life – communication. The ability to communicate with others as an essential part of all people's lives and many times the *means* to communication is simply not affordable for the poor. Greenlining believes that by utilizing only a traditional poverty index for the LifeLine program, a large portion of the poor in California are being excluded.

¹¹ Such a study would be based on the following purposes: 1) to assess the potential increase in penetration rates of a cell phone based LifeLine program in California and 2) to assess the potential savings of a cell phone based LifeLine program in California. *See* Comments of the Greenlining Institute in proceeding R.06-05-028 discussing the 2006 Greenlining Institute ULTS preliminary study of telecommunications practices of low income and primarily minority families residing in California.

¹² *See* p. 3

¹³ *See* p. 32

Greenlining recommends that the Commission expand the eligibility of the LifeLine program to include additional factors, such as geographic differences in the cost of living and that poverty is relative.¹⁴ The Commission should not rely exclusively on pretax income and cash benefits from the government as the eligibility benchmark for participation in the LifeLine Program. By expanding the eligibility requirements of the LifeLine program the Commission will be meeting the needs of a substantially greater number of Californians who have traditionally been excluded from the program, yet struggle to make ends meet in a state with an exceedingly high cost of living.

ii. RETURN TO SELF-CERTIFICATION

As Verizon California Inc. (“Verizon”) noted in its opening comments “it has been a long-standing practice that California Lifeline customers receive the discounted phone rate when they originally enroll in the program. In the past, this practice did not present any hardship to Lifeline customers as they self-certified their eligibility.”¹⁵ Greenlining supports the practice of self-certification and urges the Commission to modify GO 153 to allow consumers to return to a self-certification process for the LifeLine program.

As discussed above any improvements to the LifeLine program should reflect a commitment to increasing the number of low-income consumers benefiting from the program. Greenlining believes the Solix certification process, in contrast to self-certification, has been a significant factor in the decrease of consumers participating in the LifeLine program.¹⁶ Greenlining further asserts that many of the issues raised in this proceeding are a direct result of changes to the LifeLine certification process from self-certification to certification by a third-party carrier. In fact, as a consequence of this change many low-

¹⁴ See Greenlining’s Opening Comments p. 6-7; *see also* “Counting the Poor”, New York Times: April 17, 2007.

¹⁵ See Verizon’s Opening Comments p. 3

¹⁶ The proposed decision notes that when carriers were administering the Lifeline enrollment for their customers, they achieved response rates of 70%. *See* p. 16. Greenlining believes that while many factors influenced this response rate, one element was the relationship between the carrier and the customer. This fact supports Greenlining’s recommendation that the carriers be required to send “reminder notices.”

income consumers are now potentially: 1) rejected from the LifeLine program; 2) required to repay the discounted rates they may have received; 3) incurring a higher cost for their telephone service; 4) incurring a higher connection fee; and 5) required to pay additional taxes and surcharges. As Verizon candidly stated in its opening comments, if the process of rejection takes more than several months consumers may potentially be “backbilled” more than \$100 dollars.¹⁷ The Commission’s staff is also well aware of this potential “backbilling” and has received numerous complaints from consumers who were ultimately found to be ineligible by Solix for the LifeLine program.

Therefore, if for no other reason than the potential for low-income consumers to receive “backbills” of more than \$100 dollars from carriers, Greenlining urges the Commission to return to a self-certification process. It is unfathomable, given the Commission’s support for low-income and underserved communities, that it would allow low-income consumers to incur additional charges for their phone service.

iii. CARRIERS SHOULD BE REQUIRED TO SEND “REMINDER NOTICES” TO CONSUMERS

Greenlining urges the Commission to reject the recommendation by Cox Communications (“Cox”)¹⁸, SureWest Telephone (“SureWest”)¹⁹ and the small LEC’s²⁰ that the Commission should not adopt a requirement that carriers provide “reminder notices” to LifeLine consumers. Greenlining recommends that the Commission adopt a requirement that the carriers to provide additional reminders to consumers regarding the LifeLine program.

Greenlining believes that carrier involvement in the certification process is necessary and consistent with the Commission’s prior determinations. Greenlining recommends that this requirement should be

¹⁷ See Id. Footnote 3

¹⁸ See Cox’s Opening Comments pp. 3-4. Greenlining believes that Cox’s willingness to only send a “one-time postcard” to LifeLine subscribers reflects its lack of commitment to its LifeLine customers.

¹⁹ See SureWest’s Opening Comments pp. 1, 2-4

²⁰ See Small LEC’s Opening Comments pp. 8-9

included as part of the Commission's long term LifeLine program strategy, thereby ensuring that all Californians have fair and equal access to a telecommunication.

iv. ADOPTION OF A BROAD SPECTRUM OF OUTREACH EFFORTS

Greenlining commends the staff for engaging in creative outreach and urges the Commission to continue to consider other creative outreach efforts, such as: 1) outreach to rural organizations to participate in the Marketing Working Group; 2) provide materials to consumers at consumer bill fairs in-language regarding the LifeLine program; 3) solicitation from the Low-Income Oversight Board ("LIOB") for proposals from community-based organizations to address community-specific needs.

v. MODIFICATIONS TO THE CERTIFICATION TIMELINE

Greenlining recommends the Commission adopt the staff recommendation that GO153 be amended to allow for greater time to return and process the LifeLine forms. Specifically, Greenlining recommends the Commission amend GO 153 by: 1) increasing the time for new customers to return the certification forms from 30 to 60 days and 2) expanding the timeframe for form corrections from 15 days to 30 days. Greenlining supports AT&T's recommendation that the proposed decision be revised to require Solix to process late certification forms as long as they are complete and urges the Commission to adopt this recommendation.²¹ Greenlining agrees that by allowing unlimited time for the processing of completed verification forms Solix would no longer be able to disqualify customers from the program based merely on an arbitrary date that the form was received.

D. NO MORE DELAYS

It is essential that the Commission begin to implement both short and long term strategies for the LifeLine program. By delaying the implementation of strategies for improvement to the program the

²¹ See AT&T California's Opening Comments p. 4

Commission will be failing low-income consumers in California that rely on the benefits of the LifeLine program.

Greenlining therefore recommends that the Commission immediately begins implementation of both short term and long term strategies for the LifeLine program. For example, Greenlining urges the Commission to reject AT&T's recommendation for an extension of the current suspension of the verification process until the first class postage requirement has been implemented.²² The issue of first class postage is the "single most important issue to be addressed."²³ As both the proposed decision and Staff Report identify there are a myriad of critical issues to the implementation of the LifeLine program. For example, the issue of first class postage pales in comparison to the issues of "backbilling", reconciliation of consumer data between carriers and Solix or incorrect termination from the LifeLine program.

Greenlining also recommends that the Commission reject the small LEC and SureWest conclusion that recommendations of working groups not become Commission policy, until such recommendations are formally adopted in a Commission resolution. Greenlining believes that it has been due to the efforts and collaboration of the members of the working groups that many of the positive strategies and creative recommendations regarding changes to the certification and verification processes for the LifeLine program were included in the proposed decision and Staff Report. The Commission should reject the small LEC's and SureWest conclusion that additional bureaucratic processes are necessary before low-income consumers can benefit from changes to the LifeLine program.²⁴

²² See Id. p. 3

²³ See AT&T California's Opening Comments p. 2

²⁴ See Small LEC's Opening Comments p. 14; SureWest's Opening Comments pp. 1, 6

E. SOLIX MUST BE HELD TO A HIGHER STANDARD

As ALJ Jones's proposed decision notes, there has been a significant increase in the number of complaints to the Commission's internal working group ("CAB") as a result of Solix serving as the third party certifying agent for the LifeLine program.²⁵ In fact, as ALJ Jones noted, CAB has received 12,400 LifeLine appeals, with over 4,000 of those appeals still open.²⁶ It is clear to Greenlining that Solix is currently failing to serve California's low-income communities. Greenlining therefore believes it is the responsibility of this Commission to not allow Solix to provide mediocre, if not inferior service, to low-income consumers. Given this, Greenlining makes the following recommendations to the Commission.

First, Greenlining recommends that the Commission require Solix to publish publicly available quarterly reports to the Commission that include at a minimum the following information: 1) the number of complaints received regarding verification or certification for the LifeLine program by consumers, 2) any and all resolutions to such complaints by Solix; 3) the number of consumers enrolled in the LifeLine program; 4) any data transfer issues between Solix and the carriers; and 5) any issues Solix has identified as specific to the verification and certification process for the LifeLine program

Second, Greenlining supports both the small LEC's and Verizon's recommendation that a monthly transfer of data occur between Solix and the carriers and urges the Commission to adopt these recommendation.

Third, Greenlining supports the small LEC's and Verizon's recommendation that Solix provide confirmation to carriers of data transfer and urges the Commission to adopt these recommendations.²⁷

Fourth, Greenlining recommends that the Commission adopt the Staff Report's recommendation that the carriers closely monitor Solix.²⁸

²⁵ See pp. 20-21

²⁶ See Id.

²⁷ See Small LEC's Opening Comments p. 11; Verizon's Opening Comments p. 2 & 6

²⁸ See Staff Report pp. 25-26

Fifth, Greenlining recommends that the Commission adopt a formalized procedure for Solix to notify carriers of changes in systems or data processing.

Sixth, Greenlining recommends that as part of this formalized procedure, Solix be required to report any and all “glitches” within 48 hours to carriers and Commission.²⁹

Greenlining believes the LifeLine program is an essential element of the Commission programs for low-income consumers. Therefore, Greenlining also recommends to the Commission that if Solix is unable to fulfill the goals of the LifeLine program and its contractual obligations to provide low-income consumers with sufficient services, the Commission should consider further modification or termination of the Solix contract.

F. INCREASING THE DIGITAL DIVIDE?

While Greenlining believes the creation of an internet-based enrollment system, as suggested by the small LEC’s³⁰ and SureWest³¹, would allow for the streamlining of the LifeLine program, it is concerned that many low-income LifeLine customers lack access to the internet or computers. By shifting enrollment of the LifeLine program to an internet-based system the Commission could potentially increase the digital divide.

Greenlining recommends that the Commission reject the creation of an internet-based enrollment system beginning on July 1, 2007. Greenlining further recommends the Commission allocate resources to bridging not widening the digital divide for low-income communities in California.

²⁹ See SureWest’s Opening Comments p. 5

³⁰ See Small LEC’s Opening Comments p. 7

³¹ See SureWest’s Opening Comments pp. 4-5

III. CONCLUSION: TRANSFORMING TO CELL PHONES

Greenlining respectfully submits the following reply comments to the Commission on the proposed decision in R.04-12-001, regarding the strategies to improve California Lifeline Certification and Verification processes and reinstating portions of GO 153.

Greenlining respectfully requests that the Commission adopt Greenlining's recommendations to ensure that not only are the telecommunication needs of low-income consumers in California met, but the telecommunications service the LifeLine program provides to such consumers does not relegate them to a second class status. Paramount to Greenlining's reply comments is the recommendation of a long term strategy for the LifeLine program that transitions from landlines to cell phones.

April 30, 2007

Respectfully submitted,

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The Greenlining Institute

/s/ Thalia N.C. Gonzalez
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Order Instituting Rulemaking Into Implementation
of Federal Communications Commission Report
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Rulemaking 04-12-001
(Filed December 2, 2004)

CERTIFICATE OF SERVICE

I, Thalia N.C. Gonzalez, am 18 years of age or older and a non-party to the within proceeding. I am a resident and citizen of the State of California with the business address at the Greenlining Institute of 1918 University Avenue, Second Floor, Berkeley, CA 94704 and telephone number of 510-926-4002.

On April 30, 2007 I caused the following document:

REPLY COMMENTS OF THE GREENLINING INSTITUTE ON PROPOSED DECISION ADOPTING
STRATEGIES TO IMPROVE THE CALIFORNIA LIFELINE CERTIFICATION AND
VERIFICATION PROCESSES, AND REINSTATING PORTIONS OF GENERAL ORDER (GO 153)

to be served upon all interested parties of record in R.04-12-001 named in the official service list via e-mail to those whose e-mail address is listed in the official service list and via first class mail with postage prepaid or facsimile to those whose e-mail address is not available.

I certify that the foregoing is true and correct.

Executed in Berkeley, California on April 30, 2007.

/s/ Thalia N.C. Gonzalez

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